

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROBERT NOSKA,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.  
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ORDER

12-cv-370-bbc

Plaintiff Robert Noska prevailed against the United States in his action for judicial review of defendant Carolyn W. Colvin's denial of his application for social security disability benefits and now seeks an award of attorney fees. In his amended motion for fees, dkt. #40, he has asked for an award in the amount of \$8,862.61 (42.9 hours at a rate of \$177.45 plus 25 hours at a rate of \$50 an hour for administrative time) plus \$1,739.01 for time expended on his motion for fees.

Commissioner Colvin does not contend that plaintiff is not entitled to fees because the position of the government was "substantially justified" or that plaintiff is not the prevailing party or that any special circumstances make an award of fees unjust. However, she does oppose plaintiff's request for fees in excess of the statutory rate of \$125 an hour on the ground that plaintiff has failed to meet the requirements for such fees. She contends that plaintiff has not shown that an increase in the cost of living requires an upward

adjustment or that lawyers capable to handling the action cannot be found in the relevant geographic area. I disagree with this contention for the reasons expressed in previous opinions, e.g., Weronke v. Astrue, 11-cv-353-bbc (attached) and will grant plaintiff's motion for fees at the hourly rate of \$177.45 for the 52.7 hours of non-administrative time.

ORDER

IT IS ORDERED that plaintiff Robert Noska's motion for an award of attorney fees is GRANTED in the total amount of \$10,601.61.

Entered this 20th day of September, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge